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C O N F I D E N T I A L BANGKOK 004697

SIPDIS

E.O. 12958: DECL: 07/21/2015

TAGS: [PGOV TH](#)

SUBJECT: RTG REDUCES AREAS UNDER EMERGENCY DECREE AND
LIMITS IMPLEMENTATION OF SOME MEASURES AS CRITICISM
CONTINUES

REF: (A) BANGKOK 4653 (B) BANGKOK 4596

Classified By: CLASSIFIED BY AMBASSADOR RALPH L. BOYCE. REASON: 1.4 (D
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1. (SBU) Summary: The RTG formally lifted martial law in the deep south and declared the southernmost provinces of Narathiwat, Yala and Pattani as an "area of extreme emergency." Contradicting earlier indications, the Cabinet decided not to implement the decree in any part of Songkhla province. Also, in the face of heavy criticism by media and human rights figures, the Cabinet said that it will not, for now, apply some sections concerning press and other restrictions. The opposition Democrat Party has petitioned the Office of the Ombudsmen to investigate the decree to determine its constitutionality. The National Human Rights Commission as well as the Thai Journalists Association have called for immediate abolishment of the decree. Conversely, a poll taken both in Bangkok and the three affected provinces claims large public support for Thaksin's action -- for the time being. End Summary.

DECREE LIMITED TO THREE PROVINCES

2. (U) The RTG formally lifted martial law in the deep south and declared the southernmost provinces of Narathiwat, Yala and Pattani as an "area of extreme emergency." (Note: The King must approve the revocation of martial law -- his signature is expected shortly. End note.) In contrast to earlier statements by RTG officials (Ref. A), the Cabinet, meeting in regular Tuesday session, decided not to extend the decree to four districts in Songkhla.

SOME SECTIONS OF DECREE HELD IN ABEYANCE

3. (U) The Cabinet also decided to apply only some of the 16 measures contained in the decree. Likely in reaction to widespread criticism by the media, the RTG decided not to apply parts of Articles 9 and 11 dealing with banning public assembly and the sale of news or other publications. However, other parts of Article 11 empowering officials to arrest, detain and summon individuals suspected of inciting violence, seize weapons issue search warrants (customarily done only by the courts), deport foreign nationals and dispatch troops to aid administration and police officials would come into force.

CRITICISM OF DECREE CONTINUES

4. (U) Critics of the decree charge that the RTG still retains the power to rescind the omitted sections of the decree. The Thai Journalists Association has been particularly vocal, calling for the immediate abolishment of the decree. The National Press Council of Thailand charged that the decree "undermines the basic rights of free people and a free press." The National Human Rights Commission on July 20 issued a strong statement opposing the decree, calling it unconstitutional and likely to exacerbate violence in the region. The opposition Democrat Party followed up on leader Abhisit Vejjajiva's earlier threat (Ref. A) by submitting a petition to the Office of the Ombudsman questioning the constitutionality of some of the decree's provisions, especially those dealing with press freedoms and checks and balances. If the Ombudsman finds sufficient grounds, the petition will be forwarded to the Constitutional Court for deliberation.

THAKSIN BID FOR PUBLIC SUPPORT

5. (C) Comment: Ironically, even as demands grow from the political opposition, human rights groups and the media for the decree's revocation, a poll by the generally reliable Assumption Business Administrative College (ABAC) shows broad support for the decree in Bangkok (72 percent in favor) and the three affected southern provinces (86 percent). Even as many observers predict that the decree will worsen the situation, the Prime Minister may be reaping at least short term political benefits from his strong action. However, the Prime Minister's "last straw" measure is a gamble. If the decree and the wide powers Thaksin wields under this decree exacerbate the situation in the south, many Thais may perceive him as having shot his last political bolt and view him as part of the problem -- not the solution.
BOYCE